

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RIMINI STREET, INC., a Nevada
corporation;

Plaintiff,

v.

ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Defendant

2:14-CV-01699-LRH-PAL

ORDER

ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE
INTERNATIONAL CORPORATION,

Plaintiffs,

v.

RIMINI STREET, INC.; and SETH RAVIN,
an individual,

Defendants.

Before the court is plaintiffs and counter-defendants Rimini Street, Inc. (“Rimini Street”) and Seth Ravin’s (“Ravin”) motion to preclude certain damages. Doc. #54.¹

¹ Refers to the court’s docket number.

1 **I. Facts and Procedural History**

2 Defendant/counter-claimant Oracle develops and licenses intellectual property related to
3 computer software and provides related services. Plaintiff/counter-defendant Rimini Street is a
4 company that provides third-party maintenance and support services to companies that license
5 Oracle's software applications. Counter-defendant Ravin is the owner and CEO of Rimini Street.

6 This is the second action between these parties in this district. In the first action, *Oracle*
7 *USA., Inc.; et al. v. Rimini Street, Inc.; et al.*, case no. 2:10-cv-0106-LRH-PAL ("*Oracle*"), Oracle
8 brought several claims against Rimini Street and Ravin for copyright infringement and other
9 business related torts based on a software support service process used by Rimini Street to provide
10 support services to customers who had licensed Oracle software. That action went to trial in
11 September and October 2015, and a jury verdict was returned on October 13, 2015.

12 While *Oracle* was proceeding, Rimini Street allegedly changed the process by which it
13 serviced customers who had licensed Oracle software. Subsequently, on October 15, 2014, Rimini
14 Street initiated the present action for declaratory relief that its new process, enacted after July 31,
15 2014, does not infringe Oracle's software copyrights. *See* Doc. #1. In response, Oracle filed an
16 answer in which it alleged various counterclaims against both counter-defendants, including a
17 claim for copyright infringement for Rimini Street's new support service model. Doc. #21. Oracle
18 also sought damages for copyright infringement for conduct prior to February 2014, but after the
19 December 2011 discovery deadline in the prior *Oracle* action. In response to Oracle's various
20 activities in both actions, Rimini filed the present motion to preclude certain damages evidence, or
21 in the alternative, to consolidate the two actions. Doc. #54. Rimini filed a duplicate motion in the
22 separate *Oracle* action that has been already addressed by the court.

23 **II. Discussion**

24 In the present motion, defendants seek several rulings from the court. The court has
25 reviewed the present motion and finds that several of defendants prospective rulings have either
26 been addressed by the court in the separate *Oracle* action or may be foreclosed by the jury's verdict


1 in that action. Therefore, the court shall deny the pending motion without prejudice to allow
2 defendants the opportunity to review their requests in light of these factors.

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4 IT IS THEREFORE ORDERED that plaintiffs' motion to preclude damages (Doc. #54) is
5 DENIED without prejudice.

6 IT IS FURTHER ORDERED that plaintiffs' motion to seal (Doc. #55) is GRANTED.

7 IT IS SO ORDERED.

8 DATED this 7th day of December, 2015.

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11 LARRY R. HICKS
12 UNITED STATES DISTRICT JUDGE
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